

# Fund Source Report

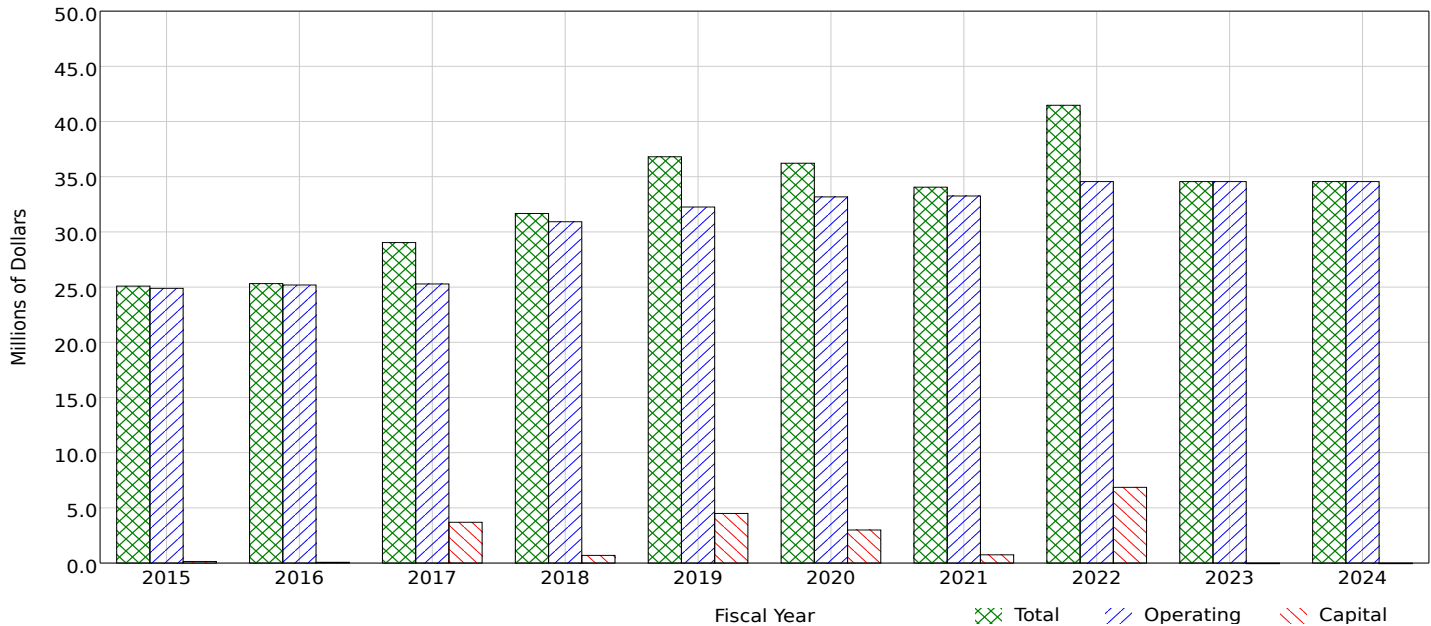
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Fish/Game

Fish and Game Fund

Year Authorized 1959    Year Repealed    Active? Yes    Mental Health? No    Duplicated? No    Fund Group Other Designated

## Operating and Capital Appropriations



### Legal Authority

AS 16.05.100, AS 37.05.146(c)(5)

### Source of Revenue

Money received from sale of state sport fishing, hunting and trapping licenses, tags and special permits; proceeds from the sale of furs, skins, and specimens taken by predator hunters and other employees; money received in settlement of a claim or loss caused by damage to fish and game resources; money received from other government units or private donors for fish and game purposes; interest earned upon money in the fund; money from any other source. (AS 16.05.110)

### Restrictions on Use

AS 16.05.110 and .130 restrict expenditures of the fund generally, and also require that particular revenue sources be used for particular programs. In general, the fund can be used only for the protection, propagation, investigation, and restoration of sport fish and game resources and the administration of the sport fish and game divisions of the department.

### Description and History

Per AS 16.05.100, the Fish & Game Fund is to be used exclusively to carry out the purposes and provisions of AS 16.05 -- .45 and 16.55 or other duties that may be delegated by the legislature to the commissioner or the Department of Fish & Game.

The Alaska Constitution generally prohibits dedicated funds, but there is an allowance for dedications required for participation in federal programs. The Fish & Game Fund qualifies under this exemption. However, not all money put into the Fund is required by federal law, and money appropriated from the Fund has been used by the Department of Fish & Game for purposes of Title 16. (Most notably, criminal fines and penalties were deposited into the fund and used by the Department of Public Safety and the Department of Law.)

The fund is the repository for revenue from:

1. Sport fishing/hunting licenses and waterfowl conservation tags as required by federal law for participation in federal programs (thus the Fund's classification as a dedicated fund)
2. Commercial fishing crewmember licenses (and perhaps other receipts), that are designated (but not dedicated) for Fish & Game purposes.
3. Civil fines and penalties for violation of fish and game laws.

Before FY01, appropriations from the Fund included both duplicated and nonduplicated appropriations and included both dedicated and nondedicated revenue. A separate fund code created for criminal fines and forfeitures in FY01 (1134) ended double counting of appropriations for enforcement activities performed by the Departments of Public Safety and Law, but did not address the issue of dedicated versus designated

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revenue. Code 1134 was eliminated during the FY07 budget cycle, with general funds replacing criminal fines that formerly passed through the F&G fund.

A fund code was created in FY06 (1194) to separate the designated portion of the Fish & Game Fund from the dedicated portion. The code is a subfund of the Fish & Game Fund and refers to all receipts not required by federal law for participation in federal programs (except criminal fines and penalties, which used code 1134 until FY07, and then were replaced by GF). Money appropriated from the F&G Fund via codes 1134 and 1194 were reported on their way into the Fund, and were flagged as duplicated on their way out of the Fund.

June 2014

The budget clarification project deactivated code 1194 in FY11. The fund now functions as follows:

1. Fees and receipts required by federal rules to go into the F&G fund are reclassified as GF program receipts.
2. Federal receipts do not go into the fund; they are appropriated directly to various divisions.
3. Criminal fines and debt service for hatchery bonds no longer pass through the fund.
4. Money from any source may be deposited, but once money is in the fund, it can be used only as specified in Title 16.
5. The code retains the "dedicated" classification, so is in the "other" fund category.

See

1134 Fish and Game Criminal Fines and Penalties

1194 Fish and Game Nondedicated Receipts